

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JANE DOE,

Plaintiff,

v.

**7:16-CV-1457
(FJS/ATB)**

**ROBERT N. FINSTER, ERIC LUTHER,
AMY BIRD, KELLY AVALLONE,
HARRISVILLE CENTRAL SCHOOL
DISTRICT, and BOARD OF EDUCATION OF
THE HARRISVILLE CENTRAL SCHOOL
DISTRICT,**

Defendants.

ORDER OF DISMISSAL BY REASON OF SETTLEMENT

The parties have advised the Court that they have settled or are in the process of settling this action. *See* Dkt. No. 19. A review of the Court's docket indicates that no infant or incompetent person is a party to this action. Accordingly, pursuant to N.D.N.Y. L.R. 68.2(a), the Court hereby

ORDERS that the above-captioned action is hereby dismissed and discontinued in its entirety, without costs, and without prejudice to the right of any party to reopen this action within sixty (60) days of the date of this Order if the settlement is not consummated; and the Court further

ORDERS that any application to reopen this action must be filed within sixty (60) days of the date of this Order. An application to reopen filed after the expiration of this sixty-day period, unless the Court extends that period prior to its expiration, may be summarily be denied solely on the basis of untimeliness; and the Court further

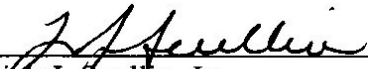
ORDERS that, if the parties wish for the Court to retain ancillary jurisdiction for the purpose of enforcing any settlement agreement, they must submit a request that the Court retain jurisdiction over enforcement of the agreement or submit the agreement to the Court for incorporation of its terms into an Order retaining jurisdiction within the above-referenced sixty-day (60-day) period for reopening this action; and the Court further

ORDERS that the dismissal of the above-captioned action shall become with prejudice on the sixty-first day following the date of this Order, unless any party moves to reopen this action within sixty (60) days of the date of this Order upon a showing that the settlement was not consummated, or the Court extends the sixty-day (60-day) period prior to its expiration; and the Court further

ORDERS that the Clerk of the Court shall close this action and serve a copy of this Order on the parties pursuant to the Court's Local Rules.

IT IS SO ORDERED.

Dated: May 30, 2017
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge